

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

July 14, 2008

C054315 THE PEOPLE v. HENG et al. (Not For Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Hull, J.

C047126 THE PEOPLE v. DEO et al. (Not For Publication)
C046880 THE PEOPLE v. NARAYAN

It is ordered that the opinions filed herein on June 13, 2008, be modified...

There is no change in the judgments.

The petitions for rehearing are denied.

THE COURT:

SIMS, Acting P.J.

Nicholson, J.

Morrison, J.

July 15, 2008

C053435 THE PEOPLE v. MARTINEZ (Not For Publication)

The judgment is modified to award defendant 16 days of custody credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

DAVIS, J.

We Concur: Scotland, P.J.

Nicholson, J.

C053662 THE PEOPLE v. STEELE (Certified For Publication)

The conviction on count Three for felony assault is reversed and the cause is remanded for resentencing. In all other respects, the judgment is affirmed.

MORRISON, J.

I Concur: Sims, Acting P.J.

I concur in parts II to V of the Discussion in the majority opinion, but blaze a separate trail with respect to the analysis in part I of the sufficiency of the evidence of assault. While the majority correctly states the pertinent principles, I disagree that they compel reversal (and dismissal ...) of count Three.

Davis, J.

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Court Minutes

July 15, 2008 continued

- C054727 THE PEOPLE v. NATIVIDAD (Not For Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Blease, J.
 Davis, J.
- C054851 THE PEOPLE v. AMES (Not For Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
 Nicholson, J.
- C054889 THE PEOPLE v. TAPIA (Not For Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
 Nicholson, J.
- C055311 THE PEOPLE v. JEFFERSON (Not For Publication)**
The sentence is vacated and the matter is remanded to the trial court with
directions to either impose a 32-month sentence in accordance with the plea
agreement or to permit defendant to withdraw his plea.
DAVIS, Acting P.J.
We Concur: Nicholson, J.
 Hull, J.
- C057242 THE PEOPLE v. BAKER (Not For Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Davis, Acting P.J.
 Robie, J.
- C054975 NATIONWIDE ASSET SERVICES, (Certified For Publication)**
INC., et al. v. PRESTON DuFAUCHARD,
as Commissioner of Corporations, etc.
The motion for judicial notice is granted. The judgment is affirmed.
Defendant is awarded its costs on appeal. ...
DAVIS, Acting P.J.
We Concur: Morrison, J.
 Robie, J.

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July 15, 2008 continued

- C056919 In re PHILLIP SIELER on (Not For Publication)**
Habeas Corpus
The judgment (order granting Sieler's petition for a writ of habeas corpus) is affirmed and the stay of that order is vacated.
MORRISON, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C058766 DAVID K. v. THE SUPERIOR COURT (Not For Publication)**
OF SHASTA COUNTY; SHASTA
COUNTY DEPARTMENT OF SOCIAL
SERVICES et al.
The writ petition is denied.
NICHOLSON, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C053762 SINGH v. LIPWORTH (Not For Publication)**
THE COURT:
Appellant's request to publish opinion is denied.
SCOTLAND, P.J.
Sims, J.
Hull, J.

July 16, 2008

- C052954 THE PEOPLE v. WARREN (Not For Publication)**
The judgment is affirmed. The trial court is directed to prepare an amended abstract ... The trial court is further directed to send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
ROBIE, J.
We Concur: Scotland, P.J.
Davis, J.
- C055009 THE PEOPLE v. LINK (Not For Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

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July 16, 2008 continued

- C055607 THE PEOPLE v. VUE (Not For Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.
- C055696 THE PEOPLE v. BROOKS (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C056488 THE PEOPLE v. MILLIGAN (Not For Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Nicholson, J.
- C056563 THE PEOPLE v. HUNT (Not For Publication)**
The appeal is dismissed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C056632 THE PEOPLE v. BRIDGES (Not For Publication)**
The judgment is affirmed. The trial court is directed to (1) amend the abstract of judgment to include the detailed recitation of all fines and fees imposed as set forth in the amended minute order of January 9, 2008, and (2) send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
RAYE, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C057028 THE PEOPLE v. VIERRA (Not For Publication)**
The judgment is modified by reducing the number of days of conduct credit from 137 to 136 days, for a total of 410 days of presentence custody credit ... As amended, the judgment is affirmed. ...
RAYE, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

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Court Minutes

July 16, 2008 continued

- C057221 THE PEOPLE v. RUPP (Not For Publication)**
The judgment is modified to stay sentence on the misdemeanor pursuant to Penal Code section 654. As modified, the judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and to forward a copy to the Department of Corrections and Rehabilitation.
ROBIE, J.
We Concur: Davis, Acting P.J.
Nicholson, J.
- C057450 EXPLORER INSURANCE COMPANY (Certified For Publication)
v. GONZALEZ**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C054911 In re MONTANA M.; THE PEOPLE (Not For Publication)
v. MONTANA M.**
The order committing the minor to the DJF is affirmed.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C057562 In re ADAM J., JR.; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v.
ADAM J., SR.**
The orders are affirmed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C055564 In re LEATHAN RENFROW (Certified For Publication)
on Habeas Corpus**
The order granting defendant's habeas corpus petition is reversed, and the habeas court is directed to deny the writ petition.
SCOTLAND, P.J.
We Concur: Sims, J.
Robie, J.

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July 16, 2008 continued

C056812 TRACY PRESS, INC. v. THE SUPERIOR (Certified For Publication)
COURT OF SAN JOAQUIN COUNTY;
CITY OF TRACY

The petition is dismissed. The City shall recover its costs for this proceeding. ...

NICHOLSON, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

C057437 NEWLANDS v. WORKERS' (Not For Publication)
COMPENSATION APPEALS BOARD
and MARRIOTT VACATION
INTERNATIONAL

The decision of the Board is annulled, and the matter is remanded with directions to reconsider the evidence in a manner consistent with this opinion. The employee shall recover costs.

DAVIS, Acting P.J.

We Concur: Morrison, J.

Cantil-Sakauye, J.

July 17, 2008

C054038 THE PEOPLE v. JOHNSON (Not For Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Morrison, Acting P.J.

Cantil-Sakauye, J.

C057778 THE PEOPLE v. EGLE (Not For Publication)

The judgment is affirmed.

HULL, J.

We Concur: Raye, Acting P.J.

Butz, J.

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July 17, 2008 continued

C054368 THE PEOPLE v. MUNIANGI
C054461 THE PEOPLE v. DIAMBU

BY THE COURT:

Respondent's request to publish the opinion filed on June 20, 2008, in the above-entitled matter is denied.

BLEASE, Acting P.J.

C058946 WELCH-BROWN v. STATE CONTROLLER'S OFFICE, et al.
BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

July 18, 2008

C047365 THE PEOPLE v. ZHUK (Not For Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.

C052707 THE PEOPLE v. JONES, JR. (Not For Publication)
THE PEOPLE v. JONES

The judgment of conviction for Steven Jones is affirmed. The judgment of conviction for David Jones is modified by staying, pursuant to section 654, the punishment imposed on count three for robbery ... and for the attendant armed enhancement ... and is affirmed as modified. The trial court is directed to amend the abstract of judgment for David Jones to reflect this modification, and is further directed to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

BLEASE, Acting P.J.

We Concur: Butz, J.
Cantil-Sakauye, J.

C057638 In re BRANDON T.; SACRAMENTO (Certified For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. CARMELLA
M.

The juvenile court's orders are affirmed.

ROBIE, J.

We Concur: Sims, Acting P.J.
Nicholson, J.

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July 18, 2008 continued

C056127

WILLMS v. WESTLAKE

BY THE COURT:

Appellant's petition for rehearing is denied.
SCOTLAND, P.J.